

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY *AD* D.C.
05 JUL 14 PM 1:39

UNITED STATES OF AMERICA,

Plaintiff,

v.

STATE OF TENNESSEE, ET AL.,

Defendants, and

PEOPLE FIRST OF
TENNESSEE, ET AL.,

Intervenors,

PARENT-GUARDIAN ASSOCIATION
OF ARLINGTON DEVELOPMENTAL
CENTER,

Intervenors.

NO.: 92-2062-D/A

THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
W/D OF TN MEMPHIS

ORDER GRANTING MOTION TO ALLOW TEMPORARY PLACEMENT OF
JEFFREY C. IN A SKILLED NURSING FACILITY

Before the Court is the motion of Defendant State of Tennessee to allow for the temporary placement of Arlington Developmental Center class member Jeffrey C. in a skilled nursing facility. Since September 2004, Jeffrey C. has been in Baptist East Hospital ("Baptist"). Jeffrey C. has made significant improvements; however, he remains fragile and requires 24-hour licensed nursing supports to attend to his needs.

Baptist has told Defendant and Community Services Network ("CSN") that Jeffrey C. is


This document entered on the docket sheet in compliance
with Rule 58 and/or 79(a) FRCP on 7/15/05

2026

medically stable and ready for discharge. Although Jeffrey C.'s family wants him to live in a specialized medical model home, Defendant is unable to place him in such a home at this time. Defendant asserts that such a home will be available to Jeffrey C. within 120 days of the entry of this order. Given the lack of appropriate housing for Jeffrey C., Defendant, CSN, and Jeffery C.'s family believe that an interim placement in a skilled nursing facility is necessary. The Court agrees that such a placement is warranted. Accordingly, the Court grants Defendant's motion and orders Jeffrey C. moved to Kirby Pines Manor, a facility capable of meeting Jeffrey C.'s needs in the interim.

Defendant has 120 days from the entry of this order within which to prepare the appropriate housing for Jeffrey C. Thereafter, should such housing not be available, Defendant shall be fined \$1,000 per day until Jeffrey C. is properly rehoused. During Jeffrey C.'s 120 day stay, Defendant shall provide the Court Monitor and the parties with monthly reports regarding Jeffrey C.'s status, including the status of the development of his community placement and transition into the community.

IT IS SO ORDERED this 14th day of July, 2005.


BERNICE BOUIE DONALD
UNITED STATES DISTRICT COURT



Notice of Distribution

This notice confirms a copy of the document docketed as number 2026 in case 2:92-CV-02062 was distributed by fax, mail, or direct printing on July 15, 2005 to the parties listed.

Nancy K. Ray
NKR & Associates, Inc
318 Delaware Ave., Ste. 2
Delmar, NY 12054

Financial Unit
FINANCIAL UNIT
167 N. Main St.
Room 242
Memphis, TN 38103

William F. Sherman
LAW OFFICES OF WILLIAM F. SHERMAN
504 Pyramid Place
Little Rock, AR 72201

Earle J. Schwarz
GLANKLER BROWN, PLLC
One Commerce Square
Suite 1700
Memphis, TN 38103

Todd Schneider
U.S. DEPARTMENT OF JUSTICE
950 Pennsylvania Ave., N.W.
Special Litigation Section
Washington, DC 20530

Thomas R. Prewitt
ARMSTRONG ALLEN, PLLC
80 Monroe Avenue
Ste. 700
Memphis, TN 38103--246

Nicole Porter
U.S. DEPARTMENT OF JUSTICE
950 Pennsylvania Ave., N.W.
Special Litigation Section
Washington, DC 20530

Kimbrough Brown Mullins
WILLIAMS PROCHASKA P.C.
50 Front St
Ste 1075
Memphis, TN 38103

Steven W. Likens
KIESEWETTER WISE KAPLAN & PRATHER, PLC
3725 Champion Hills Drive
Ste. 3000
Memphis, TN 38125

Frank J. Laski
PUBLIC INTEREST LAW CENTER OF PHILADELPHIA
125 S. 9th Street
Ste. 700
Philadelphia, PA 19107

Jonathan P. Lakey
PIETRANGELO COOK
6410 Poplar
Ste. 190
Memphis, TN 38119

Buffey Klein
HUSCH & EPPENBERGER
200 Jefferson Ave.
Ste. 1450
Memphis, TN 38103

S. Russell Headrick
BAKER DONELSON BEARMAN CALDWELL & BERKOWITZ- Memphis
165 Madison Ave.
Ste. 2000
Memphis, TN 38103

Terrell L. Harris
U.S. ATTORNEY'S OFFICE
167 N. Main St.
Ste. 800
Memphis, TN 38103

Judith A. Gran
PUBLIC INTEREST LAW CENTER OF PHILADELPHIA
125 S. 9th Street
Ste. 700
Philadelphia, PA 19107

R. Jonas Geissler
U.S. DEPARTMENT OF JUSTICE
950 Pennsylvania Ave., NW
Special Litigation Section
Washington, DC 20530

Joe A. Dycus
U.S. ATTORNEY'S OFFICE
167 N. Main St.
Ste. 800
Memphis, TN 38103

Dianne Stamey Dycus
ATTORNEY GENERAL AND REPORTER
426 Fifth Avenue North
2nd Floor
Nashville, TN 37243

Darcey Kathleen Donehey
950 Pennsylvania Ave. N.W.
Washington, DC 20530

Jack W. Derryberry
WARD DERRYBERRY & THOMPSON
404 James Robertson Parkway
Ste. 1720
Nashville, TN 37219

Edward G. Connette
LESESNE & CONNETTE
1001 Elizabeth Avenue
Ste. 1-D
Charlotte, NC 28204

Leo Maurice Bearman
BAKER DONELSON BEARMAN CALDWELL & BERKOWITZ
165 Madison Ave.
Ste. 2000
Memphis, TN 38103

Honorable Bernice Donald
US DISTRICT COURT